C. P. 71 & 72—650,414—21-11-30.

C.P. 71 & 72.

19 32

Department of [illegible]

OFFICE [illegible]

STATION [illegible]

Misc No. 940

Dated

To whom sent		Date	Initial
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched		
	Indexed		
	To be destroyed on*		

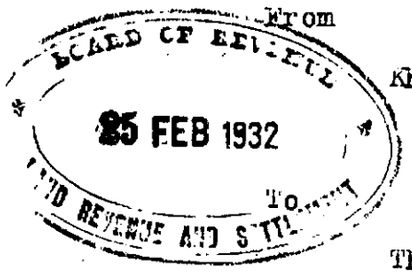
(SUBJECT)

[illegible]

*Not to be filled in in the case of permanent records.

B8145

Ref.A3-No.678-29. South Kanara Collector's Office,
Mangalore, 23rd February 1932.



From

Khan Bahadur J. Hussain, Bar-at-Law,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Escheat - (South Kanara) - Puttur Taluk - Bettampadi village - Holding No.54 - Deceased Mulgar Birmanna.

B16 (2) In paragraph 3 of B.P.Mis.No.2464, dated 6th August 1931, the Board directed that after the disposal of the suit proposed to be filed for the recovery of possession of the escheated property, viz., R.S.Nos.47/2, 47/3, 54/1 (portion), 55/1 and 63/2 of Bettampadi village, eviction proceedings should be instituted in respect of R.S.No.54/2, which was under the occupation of Dumakke and the right of Government asserted. But it has now come to light that this plot has since been assigned by the Settlement Department to Dumakke and an erratum issued to the Settlement adangal of the village. The Government will therefore have to sue for its possession as well.

2. The question now is whether a Gazette notice is necessary in respect of this plot or whether we can go straight off into Court and claim this plot as well along with the others. The Government Pleader, Mangalore, states that it is advisable to issue a Gazette notice. But the plot did not actually form portion of the deceased's property, it only formed its kumaki. It was improved upon and assigned to Dumakke. The issue of a Gazette notice will entail an unnecessary delay of about nine months at least in filing the suit. I therefore request Board's orders in the matter.

for Collector.

M.D'S.23/2.

23.2.32

R. F. XXII-A-19—30,0 4—2-2-31 (6)

Subject. 3

FOR MEMBER.

Escheat (South Kanara) - Puttur Taluk — Bethampadi - R S No 54/2 property left by late Mulgar Birmanna

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____ From the ~~Bl 145·32~~ B1C — Q, No. _____ , dated _____ 193

" " _____ , " " _____ " _____ , " _____ 193

" " _____ , " " _____ " _____ , " _____ 193

~~RESOLUTION.~~ Office No. B1145·32-1 dated 1·3· 1932

The Collector is requested to submit the records of assignment of the plot R.S.No. 54/2 by the Settlement Department. To Dumakke.

have seen 1·3·32

Action in 29.2.32 29.2.32.

1·3·32

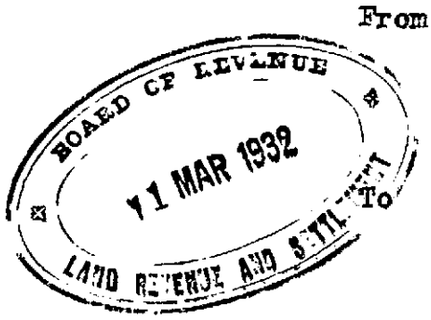
For the Collector of South Kanara.

5 Agt. B 1435 encls.

Ref.A.3-No.678-29. South Kanara Collector's Office,

Mangalore, dated 7th March 1932.

From



Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Sir,

Escheat - (South Kanara) - Puttur Taluk - Bettampadi village - R.S.No.54/2 - property left by late Mulgar Birmanna.

Board's Reference B.No. 1145/32-1 dated 1-3-32.

I enclose my letter Ref.A.3-No.678-29 dated 2-11-31 (in original) to the Special Settlement Officer, containing his reply N.Dis. 303/Sup.31 dated 10-11-31 in the matter together with its enclosures for Board's reference. In this connection, I submit herewith a copy of the report of the Tahsildar of Puttur L.Dis.C.No. 5620/B.3-30 dated 11-9-30 in which he says that "R.S. No. 54/2, which is the direct kumaki of O.S.No. 23/5 (portion of R.S. 54/1) and which is registered as unoccupied dry even in the resurvey, contains a house costing about Rs. 75/-, one well costing about Rs. 15/- and one old cocoanut tree. The house (in R.S.54/2) and the shed (in R.S.54/1) referred to above appear to have been built by Bapu Kunhi Beary and Kadri Beary respectively.

For Collector.

8.3.32

Letter from the Tahsildar of Puttur.
To the Collector of South Kanara.
Dated 11th September 1930 L.Dis.C.No. 5620/B.2-30.

Escheat - Bettampadi village -Deceased Birmanna - further enquiry - Your Ref.A3-678-29 dated 27-3-30.

I inspected the localities concerned in this case as ordered. Kommemaru property which was sold at the instance of Abbunhi Ballala is different from O.S.No. 23/5; it is situated at a distance of about a mile from S.No.23/5. O.S. Nos. 34/8 and 3/13 (R.S.No. 187/3)are the plot known as Kommemaru property which is now registered in the name of Sankappa Rai, holder No.21. O.S.No. 23/5 is included in holding No.54 of Doomakke and forms part of A.S.No. 54/1, shaded in pencil in the enclosed sketch. It is this plot that was being enjoyed by Bapu Kunhi Beary on arwar. His right in it subsequently passed to Krishna Mardithaya, from whom Doomakke, the present occupier of the plot redeemed it on the authority of the document executed in his favour by Aitha. Krishna Mardithaya is dead now. He has left behind him two sons, Narayana Mardithaya and Gopala Mardithaya by name. They reside in Bettampadi village. Krishna Mardithaya and his heirs have lost all their right over the plot, which is now being cultivated by one Kadri Beary on chalgeni under Doomakke for an annual rental of 16 muras of paddy. The market value of this plot may be ~~(estimated)~~ estimated at Rs.600/- Copy of the judgment in O.S.No.217/1880 which is among the records shows that Rs.71-14-0 were allowed to Bapu Kunhi on account of his improvements, the particulars of which, if necessary, may kindly be obtained from the suit records in the District Court, Mangalore. The following improvements exist now on the plot:- One shed costing about Rs.25-0-0, 10 bearing cocoanut trees, 2 old jack trees and one old mango tree. There is also one jack tree about 10 years old. R.S.No.54/2, which is the direct kumaki of O.S.No.23/5 (portion of R.S.54/1 and which is registered as unoccupied dry even in the resurvey

contains a house costing about Rs.75-0-0, one well costing about Rs.15-0-0 and one old cocoanut tree. The house (in R.S.54/2) and the shed (in R.S.54/1) referred to above appear to have been built by Bapu Kunhi Beary and Kadri Beary respectively. The present occupant Doomakke constructed also about 15 years ag a water channel about 800 yards long at a cost of about Rs.150-0-0. With the aid of the water conveyed through this channel two crops are now being raised on the plot on which only one crop was being grown formerly. Under a razi-decree between Doomakke and a neighbouring wargdar, Manjappajri, from whose fields the water is conveyed, it is said, that two muras of rice are being paid annually by the former to the latter for this water right. The date and year of the razi-decree may be kindly ascertained from Doomakke through the Tahsildar of Kasargod.

2. The presumption of the Government Pleader that the two brothers of Aitha Pujari are dead is correct. They appear to have died over the Ghats about 12 years back.

3. The arwar deed in favour of Bapu Kunhi Beary and the subsequent documents connected therewith are said to be with Doomakke who is at Bombrana. They may be obtained from her through the Tahsildar of Kasaragod. If she does not produce them, copies of them may be ordered to be obtained from the Sub Registrar's office, Kasaragod where the 1st document must have been registered.

4. Copy of judgment in O.S.No.217/1880, sketches of Kommemaru property and O.S.No.23/5 according to resurvey, --- adangal extract and 10-I copy of holdings Nos.54 and 21 ----- according to resurvey and the statements of Narayana Mardithaya, Kadri Beary and the Shanbhogue of Bettampadi are enclosed and submitted herewith. The connected records received with your order are enclosed.

8.7.32

R. F. XXII-A-19—30,004—2-2-31 (6)

Subject.

FOR MEMBER.

Escheat. (South Kanara).
Putturu Tk — Bettampadi village
Holding no 54 — Deceased
Mulgar Biramanna —
Instructions issued

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____ From the B Mis. 32, No. fict Q , dated _____ 193

" " _____ , " " Board's Rep. no B Mis. 32 of 1-3-32 p3 c/f Q _____ , _____ , " _____ 193

" " _____ , " " B 2435. 32 p 5 c/f Q _____ " " _____ , " _____ 193

RESOLUTION. Misc No. 940, dated 21. 3. 1932

The Board considers that escheat proceedings should be taken up separately in respect of R.S. no. 54/2 as was done in the case of R.S. no 63/2. The Collector is requested to issue the necessary Gazette notification inviting claims to the land.

Issued 21.3.32

Revn 18.3.32 18.3.32

19-3-32

To the Collector of South Kanara
with 2 enclosures returned

(L) Treasurer

Note

Escheat - (South Kanara) - Puttur Taluk.
Bethampadi .. R.S.No. 54/2 - property left by
late Mulgar Birmanna

B 11.45-32 Pf 1 cf.

To

AS(LR)

Please see the South Kanara Collector's letter at p1 cf.

2. The Collector states that the Government Please, Mangalore considers it advisable to issue a Gazette notice before filing a suit for the recovery of R.S.No 54/2. and that it will entail a delay of about 9 months in filing the suit. The Collector may perhaps be asked to issue the Gazette notice as advised by the Government Pleader

Jr orders

R.S. 54/2 was probably assigned by the
.2.32 Settlement dept. under a mistake of fact. This
S.No is only Kumaki to an escheated property.
The records of assignment may be called for, and
the question of Cancelling the assignment under B.S.O
pp 45 & 46. Vol I B.S.O. 15. para 18. Considered. The Collector may also be
asked to report on this point

CW
21.2.32

Call the Collector to send the records
of assignment

21/2/32

To AS(LR)

AS(LR)

Draft submitted

RWN 29/2/32 — CW 29.2.32 — dh 1.3.32

M3 5

AS(LR) Hyd' Bst A in

[Board's Proc B 11 dt 3.2.32 & 16 dt 16.3.32] p3 cf p 5 cf

To AS(LR)

One solicitor has submitted the record of assignment of R.S. no. 54/2 (1)

RWN 12.3.32 2 R.S.N.s 54/1 along with all S.N.s of B. Channapatna Hobli, Ramanagaram Taluk was declared escheat and the institution of a suit upon the basis of which the enquiry was conducted in B.P. No. 2464 dt 6.8.31 pp 1 & 2 of (2) On the basis of the Collector's report the Board approved this proposal to take eviction proceedings in respect of R.S.N. 54/2 forming a direct breach of R.S.N. 54/1 (= G.S. No. 23/145) after the disposal of the suit. The Collector now reports that R.S.N. 54/2 has already been assigned by the Settlement Dept to the person in possession of the escheated properties and raises the question whether Government can forthwith straight off move Court and claim this plot as well along with

para. 10 at p. 5 cf (2) p. 6 cf (1)

pp. 1 & 5 cf & p. 5 of (1)

p. 1 cf

the others or separate escheat proceedings should be taken as advised by the Government

5 R.S.No: 54/2 was assigned on 18.11.28 long before its Kadim land R.S.No: 54/1 was declared escheat. There is nothing irregular in the proceedings warrant the cancellation of assignment under O.I.O. 15-18 dt. It is in the same category as R.S.No: 63/2 (G.S. 94(2)) already declared escheat. Vide para 4 at pp. 2-3 of Vol. I and para 6 at pp. 8 & 9 of Vol. I. The grant of R.S.No: 54/2 was made by virtue of the grantee possession and enjoyment of the main estate and it has to be located as an accession to the Escheat proceedings will have to be taken separately in respect of this S.No:, as has been done in the case of R.S.No: 63/2. The Collector may be informed accordingly

Dy. 17 MAR 1932

16.3.32

17.3.32.

Dy. 15.3.32

Dy. 17.3.32

(1.5 of 1 (L) and was encroached upon even before that)

(pp 45-46 of Vol. I)

AS(LR)

To AS(LR)

Draft submitted.

18.3.82 18.3.82